

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9521 of 2020

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Ruqaiya Khatoon @ Ruquaiya Khatoon Wife of Mohammad Kamruddin,
Resident of Village - Baishakhawa, Police Station- Gopalpur, District - West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Old Secretariat, Patna, Bihar.
3. The District Magistrate, West Champaran at Bettiah.
4. The District Programme Officer, I.C.D.S., Bettiah, West Champaran.
5. The Child Development Programme Officer, Sikta Block, District - West Champaran.
6. The Ward Development Committee Member, Gram Panchayat Raj Jhakhara, Baishakhawa, Village - Baishakhawa, Block- Sikta, Police Station- Gopalpur, District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar No 7
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 06-01-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

- “(i) For quashing the order dated 23.03.2020 (Annexure-04)
passed by District Programme Officer, Bettiah, West
Champaran contained in Memo No. 541, whereby petitioner
was terminated from the post of Anganbari Sevika.
(ii) To Stay the direction issued by Respondent No. 2 as
contained in memo No. 2509 dated 20.05.2020 (Annexure-07)



whereby a direction has been issued for the appointment of Anganwari Sevika at the vacant Center.

(iii) For directing the respondent authorities to again allow the petitioner to work as Angawari Sevika

(iv) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of this case.”

3. The petitioner without exhausting statutory remedy of appeal preferred the present petition, thus, it is premature in the light of Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in ***AIR 2016 SC 3006 paragraph-20*** has held as under:

“20. Having stated thus, it is useful to refer to a passage from *City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others* {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

Underline Emphasized



4. Accordingly, petition stands disposed off reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of six weeks from the date of receipt of this order. In event of filing of appeal the Appellate Authority is hereby directed to decide the petitioner’s appeal within a period of three months from the date of receipt of the appeal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

